



City of Boston
Board of Appeal

HEARING MINUTES

Tuesday, August 14, 2018

BOARD OF APPEALS

Room 801

Board Chairperson Araujo called the meeting to order promptly at 9:30 AM and commenced with a brief description of the hearing process and, pursuant to the Massachusetts Open Meeting Law, advised those in attendance that the hearings would be broadcast and recorded and hearing minutes would be kept. The Board members then commenced with discussion of the following Agenda items which were announced on the record by Acting Board Secretary Marie St. Fleur:

APPROVAL OF HEARING MINUTES:

July 10, 2018 & July 31, 2018

Upon a motion and a second, the Board voted unanimously to approve the above referenced Minutes.

Extension: 9:30a.m.

Case:BZC-33117 **Address:** 372 North Beacon, **Ward 22 Applicant:** Stephen Miller, Esq

Discussion: The applicant requested an extension of zoning relief previously granted by the Board.

Votes: Upon a Motion and second, the Board voted unanimously to approve the request for a one year extension.

BOARD FINAL ARBITER: 9:30a.m.

Case: BOA-837308 **Address:** 131hf West Third Street, **Ward 6 Applicant:** Neil Gulden

Discussion: The applicant requested clarification of a Board vote from a previous hearing. The Board confirmed that it approved the applicant's request for a roof deck accessed by a head house.

GCOD: 9:30 a.m.

Case: BOA-850598 **Address:** 258 West Newton Street , **Ward 4 Applicant:** Marc LaCase

Article(s): 32(32-32-4)

Purpose: Renovations to 258 West Newton Street all floors. (Plans and specifications attached.)

*Change occupancy from three family and doctors office to a two family as per plans submitted.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in

detail to change occupancy from three family and doctors office to a two family as per plans submitted. BW&SC letter received.

Testimony: The Board then requested testimony from neighbors and elected officials.

Documents/Exhibits: Building Plans

Votes: Board Member St. Fleur moved for approval with BRA, Bickerstaff seconded and the Board voted unanimously to approve.

Case: BOA-850884 **Address:** 361 Beacon Street , **Ward 5 Applicant:** Alex Slote

Article(s): 32(32-4)

Purpose: Change of Occupancy from six-unit to three unit residential dwelling. Construct new rear bay over existing bay. Construct new fifth floor addition with rear deck. New rear roof deck on fourth floor. Excavate lower level to install vehicle ramp for access to basement parking. Extend living space to garden level. Full gut renovation. Installation of new fire alarm/sprinkler system.

Discussion: At the request of the Board, the applicant presented plans and described the proposed project in detail, stating the reasons for this appeal. The applicant described the proposed project to change the occupancy from six-unit to three unit residential dwelling.

Full gut renovation. Installation of new fire alarm/sprinkler system. BW&SC letter received.

Testimony: The Board then requested testimony from neighbors and elected officials. One abutter opposed.

Documents/Exhibits: Building Plans

Votes: Board Member St. Fleur moved for approval with BRA, Bickerstaff seconded and the Board voted unanimously to approve.

Case: BOA-854658 **Address:** 200-202 Ipswich Street , **Ward 5 Applicant:** 1241 Boylston, LLC

Article(s): 32(32-9)

Purpose: Erect a 184 room hotel with a ground floor restaurant. Project will include approximately 105,000 square feet of building area and will be eight (8) stories with maximum height of ninety feet (90), there will be approximately 82 parking spaces in one below-grade level. Existing building to be removed by other permit.

Discussion: At the request of the applicant **this case has been deferred to 10/30/2018**

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

HEARINGS: 9:30 a.m.

Case: BOA-846136, **Address:** 200-204 Old Colony Avenue , **Ward 7, Applicant:** Patrick Mahoney Esq

Article(s): 8(8-7: Multi family is a conditional use & Trade, professional or other school is conditional) 14(14-2) 15(15-1: Floor area ratio excessive, Usable open space insufficient, Side yard

insufficient & Rear yard insufficient) 13(13-13-1: Excessive height, # of of stories & Excessive height in feet)

Purpose: Erect six story mixed used building consisting of below grade parking, a school on first level and five floors of residential dwelling units; the building will contain 55 residential dwelling units; combine lot with 11 Fredrick (see ALT811089).

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating to combined lots and erect six story mixed used building. Below grade parking has been eliminated in favor of at grade. Six-story mixed used building with school on first level and residential above. Discussion regarding violation; proposed dimensions vs. required. Parking plan was approved thru Article 80.

Board members inquired about capacity of school and where employees park. Board Members asked how will the parking work and is there an automated system. The applicant stating parking enclosed in building. Board members inquired about unit sizes and breakdown of units.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and 2 abutters are in support. Councilor Flynn, Councilor Flaherty, Councilor Essabi-George, Councilor Collins and Councilor Wu oppose.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BRA, Bickerstaff seconded and the Board voted unanimously to approve.

Case: BOA-818498 **Address:** 181 Cowper Street , **Ward 1 Applicant:** 181 Cowper LLC
Article(s): 53(53-9: Bldg height excessive (stories), Bldg height excessive (feet) & Rear yard insufficient)53(53-8) 53(53-56) 53(53-57.2) 10(10-1)
Purpose: Erect new three-story building with nine (9) residential dwelling units and fourteen (14) parking spaces in a conditional lot of 13,350 square feet filed under ALT812201.

Discussion: At the request of the applicant **this case has been deferred to 9/25//2018**

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

Case: BOA-818882 **Address:** 93-95 Prescott Street , **Ward 1 Applicant:** LAR Properties, LLC
Article(s): 53(53-8) 53(53-9: Insufficient additional lot area per unit (6,00 sf. lot req.), Excessive F.A.R. (1.0 max.), Insufficient open space per unit (300sf/unit), Insufficient rear yard setback (10' min.) & Insufficient side yard setback (2.5' req.)) 53(53-56) 53(53-54)
Purpose: Construction of 6 residential dwelling units. 3 story structure with dwelling units per floor and exterior; Combine two lots into one lot to be known as 93-95 Prescott Street. *AE Hazard Flood Zone (EL 10').

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail to construct a 3 story, 6 residential units, to combine lots- currently 2 lots, 2 single families.

Board members inquired about FAR. The applicant stated 2.09. Board members discussed violations proposed dimensions vs. required. Board members inquired about unit sizes and breakdown of units.

Board Members inquired about roof deck. The applicant stated no roof deck. Board Members asked if in a flood zone. The applicant stated yes. Board Members asked applicant if units are for rent or sale. The applicant stated rental.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Edwards support.

Documents/Exhibits: Building Plans

Votes: Board Member denied this application and Motion to Approve does not carry.

Case: BOA-822799 **Address:** 277 Webster Street , **Ward 1 Applicant:** Yegshemesh LLC
Article(s): 53(53-8: Use: multifamily dwelling: forbidden & Use: basement dwelling unit: forbidden) 53(53-9: Lot area for additional dwelling units insufficient & Floor area ratio excessive) 53(53-56)

Purpose: Confirm the Occupancy as a 3 Family Dwelling then change the Occupancy to a 4 Family Dwelling. Extend living space into Basement for a proposed Dwelling Unit. Construct new Rear Decks as per plans. Proposed Basement Unit to be fully Sprinklered. Permitting set to be submitted upon ZBA approval.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail to change occupancy to a 4 family dwelling and extend living space into basement with new rear decks to be consistent with abutters.

Board members inquired about roof decks. The applicant stated no roof decks. Board Members inquired about floor to ceiling ratio. The applicant stated 8'3"

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Edwards are in support.

Documents/Exhibits: Building Plans

Votes: Board Member St. Fleur moved for approval with BRA, Bickerstaff seconded and the Board

Case: BOA-835829 **Address:** 283 Webster Street , **Ward 1 Applicant:** Two Eighty Three Webster, LLC
Article(s): 53(53-9: Floor area ratio: excessive, Side yard setback required: insufficient & Rear yard setback required: insufficient)
Purpose: Extend living space into basement level and erect rear and roof decks.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating to extend living space into basement with new rear decks and roof decks.

Board members inquired about roof decks. The applicant stated access to roof decks by exterior spiral stair.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval with Bickerstaff seconded and the Board

Case: BOA-842339 **Address:** 87 Baldwin Street , **Ward 2 Applicant:** Kevin Joyce, Esq
Article(s): 9(9-1)

Purpose: This application is being filed to amend building permit ALT828055 to allow the application to expand the living space into basement, extend the dimensions of the rear deck and add a roof deck all as per plans filed herewith. Building to be used as a one family building after renovations are completed. ZBA.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating to extend living space into basement with family room and new roof deck with access by hatch.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval with St. Fleur seconded and the Board

Case: BOA-833265 **Address:** 194-198 Bunker Hill Avenue , **Ward 2 Applicant:** Daniel Toscano
Article(s): 62(62-14: Floor area ratio excessive, Usable open space insufficient & Rear yard insufficient) 62(62-25) **Purpose:** Change Occupancy from 1 Store, Nail Salon, Restaurant # 37, and 2 Family Dwelling to a Nail Salon & 4 Family Dwelling with a 2 Car Garage at 198 Bunker Hill Street on existing footprint.

Discussion: At the request of the applicant **this case has been deferred to 10/16/2018**

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

Case: BOA-821735 **Address:** 27 Sheafe Street, **Ward 3 Applicant:** Daniel Toscano
Article(s): 54(54-10: Floor area ratio excessive & Usable open space insufficient) 54(54-18) 54(54-21) 54(54-17) **Purpose:** Change Occupancy from 5 to 8 units. Nominal Fee Request.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating to change occupancy from 5 to 8 units with roof deck for unit #7. Increasing number of units and decreasing bedrooms.

Board members discussed violations inquired about proposed vs required. Board Members inquired about access to utility room.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilor Kelly and Essabi-George are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved **to Deny Without Prejudice** and Bickerstaff seconded and the Board voted unanimously.

Case: BOA-835186 **Address:** 167 West Newton Street , **Ward 4 Applicant:** Eben Kunz

Article(s): 64(64-9)

Purpose: Refurbish existing interior spaces. Change occupancy from a two family to single family. Add 2 story bay window at ally side and 3 story bay at rear. Install open deck off 1st floor at rear. Replace in kind existing roof & build deck and access hatch. Provide light well in front yard for new window. Replace front windows following South End Landmarks guidance.

Case: BOA#835185 **Address:** 167 West Newton Street , **Ward 4 Applicant:** Eben Kunz

Purpose: Refurbish existing interior spaces. Change occupancy from a two family to single family. Add 2 story bay window at ally side and 3 story bay at rear. Install open deck off 1st floor at rear. Replace in kind existing roof & build deck access hatch. Provide light well in front yard for new window. Replace front windows following South End Landmarks guidance. Section 780 CMR 9th Edition. Building Code Refusal. Ch 10 Section 1011.12 Roof Access 4th story occupied roof; head house required.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating to change occupancy from a two family to single Install open deck off 1st floor at rear. Access to roof by head house per building but zoning requires hatch.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval with St. Fleur seconded and the Board voted unanimously.

Case BOA-840320 **Address:** 955 Boylston Street , **Ward 5 Applicant:** Paul Wilson

Article(s): 8(8-3)

Purpose: Add #38 Live Entertainment (A2r) to current #37 Restaurant Certificate of Inspection.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating to Add #38 Live Entertainment (A2r) to current #37 Restaurant Certificate of

Inspection. Entertainment will be a DJ with acoustic area and entertainment area. There will be an outdoor amplifier and no change in capacity of 344. Open till 10:00pm.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and NABB are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval with proviso of outdoor closed at 10:00 with one mic and 5 acoustics. Bickerstaff seconded and the board voted unanimously.

Case: BOA-817068 **Address:** 1250 Boylston Street , **Ward 5 Applicant:** Jehad Hamed

Article(s): 66(66-14)

Purpose: Place Food Truck at @ 1250 Boylston Street - gas station location.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating to have a Food Truck at gas station location 11:00 am to 8:00 pm 7 days year round.

Board members asked if there were any other trucks in Boston. The applicant stated no but in other cities.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services are not opposed nor in support.

Documents/Exhibits: Building Plans

Votes: Board Member Bickerstaff moved for approval with proviso Food Truck for this Petitioner Only Pisani seconded and the board voted unanimously.

Case: BOA-841385 **Address:** 125 Newbury Street , **Ward 5 Applicant:** Jonquils Cafe LLC (by Doug Anderson)

Article(s): 8(8-7)

Purpose: Change Occupancy from Offices and Retail to Offices, Retail and Cafe for Floors B and 1. Nominal fee requested as this needs relief from the Zoning Board of Appeals. Outdoor Seating filed on U49831189.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating to change occupancy to include use items #36 & #37 with sit down and take out restaurant.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services are in support and NABB are non opposed.

Documents/Exhibits: Building Plans

Votes: Board Member Bickerstaff moved for approval with proviso This Petitioner Only Pisani seconded and the board voted unanimously.

Case: BOA-841388 **Address:** 125 Newbury Street , **Ward 5 Applicant:** Jonquils Cafe LLC (by Doug Anderson)

Article(s): 8(8-7)

Purpose: Outdoor seating with 22 seats for Cafe, reference ALT825953.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating to have outdoor seating for 22 seats.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services are in support and NABB are non opposed.

Documents/Exhibits: Building Plans

Votes: Board Member Bickerstaff moved for approval with proviso This Petitioner Only Pisani seconded and the board voted unanimously.

Case: BOA-834611 **Address:** 48-54 Queensberry Street , **Ward 5 Applicant:** Jehad Hamed

Article(s): 6(6-4)

Purpose: Remove proviso for takeout from previous petitioner only.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating to remove proviso for takeout.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services are in support and NABB are non opposed.

Documents/Exhibits: Building Plans

Votes: Board Member Bickerstaff moved for approval Pisani seconded and the board voted unanimously.

HEARINGS: 10:30 a.m.

Case: BOA-823589 **Address:** 73 Rutland Street , **Ward 9 Applicant:** Michael Gauthier

Article(s): 64(64-9) 64(64-34)

Purpose: Work to be performed in Unit # 5 located on the 4th (top) story of the building and the roof. Enlarge dormer on the rear exterior wall of the building. Rebuild existing roof deck to same footprint. No change to F.A.R.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail to enlarge dormer on rear exterior wall rebuild roof deck access to roof deck by hatch.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Flynn are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Bickerstaff moved for approval Pisani seconded and the board voted unanimously.

Case: BOA-854647 **Address:** 52 Fisher Avenue , **Ward 10 Applicant:** Evan Smith

Article(s): 59(59-7) 59(59-8: Lot area for the add'l dwelling unit is insufficient, Floor area ratio is excessive, Height requirement is excessive (stories), Height requirement is excessive (ft), Usable open space is insufficient & Front yard setback requirement is insufficient)

Purpose: Erect six (6) residential units building with roof deck. Proposed four (4) parking spaces in garage and two (2) off-street parking. ZBA.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating to construct a 6 unit residential building with roof deck 4 spaces in garage and 2 off street on 2 parcels. Roof deck exclusive to top floor unit

Board members discussed the breakdown of units. Board Members asked if there were any handicap accessible units. The applicant stated ground floor. Board Members asked if deed restricted. The applicant stated, yes.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Zakim are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with BRA St. Fleur seconded and the Board voted unanimously.

Case: BOA-854924 **Address:** 77-81 Terrace Street , **Ward 10 Applicant:** Mission Hill Living, LLC

Article(s): 59(59-7) 59(59-8: Lot area for additional dwelling unit (s) insufficient (3F-3000) & Front yard (other street) (59-38.1) (59-38.9) insufficient (3F-3000) 59(59-18: Multi-family dwelling (forbidden) (LI) & Local retail business (conditional) (LI)) 59(59-19) 59(59-37: Off-street parking insufficient & Off-street loading insufficient)

Purpose: The project proposes new construction of a three (3) story (approximately thirty-five (35) foot high) 49,534 square foot mixed use building, which includes sixty (60) residential units, three (3) ground floor commercial spaces (office, retail, art gallery, art use, restaurant), and thirty (33) parking spaces. Lot consolidation of the following parcels: 1000428000, 1000429000, 1000430000, 1000431000, 1000432000, 1000433000, 1000434000, 1000435000, 1000436000, 1000437000, 1000396000.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating to construct a 3 story mixed use bldg, 60 residential units, 3 commercial spaces, 33 parking spaces previously approved by the board

Board members discussed the breakdown of units. Board Members discussed violations proposed vs required. Board Members how to accommodate all commercial use parking.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services.

Documents/Exhibits: Building Plans

Votes: Board Member Bickerstaff moved for approval with BRA Erlich seconded and the Board voted unanimously.

Case: BOA-833588 **Address:** 21 Wensley Street , **Ward 10 Applicant:** Evan Smith
Article(s): 59(59-8: Floor area ratio excessive, Bldg height excessive (stories), Bldg height excessive (feet) & Front yard insufficient) 59(59-8.3)
Purpose: Erect new three-family dwelling. Propose three (3) parking spaces in garage.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating to construct a 3 family dwelling, 3 parking spaces in garage. Roof is 100% solar with no deck.

Board members inquired about garage doors.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and DND support.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval with BRA attention to garage doors St. Fleur seconded and the Board voted unanimously.

Case: BOA-814973 **Address:** 21-23 Wyman Street , **Ward 10 Applicant:** Timothy Burke
Article(s): 55(55-8) 55(55-9) 55(55-40)

Purpose: Change Occupancy from a Two Family Dwelling to a Three Family Dwelling. Renovate existing unfinished Basement to create one additional Dwelling Unit. Construct new exterior entry to Basement at front of house and add windows wells for bedroom windows. Work includes a new slab to provide 7'-6" ceiling height, new mechanical, plumbing and electrical work. A new Sprinkler system is being installed under a separate permit.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating to change occupancy from a 2 family to a 3 family by extending living space into basement.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilor O'Malley, Councilor Flaherty and Councilor Essabi-George are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval with BRA attention to garage doors St. Fleur seconded and the Board voted unanimously.

Case: BOA-828431 **Address:** 196 Boylston Street , **Ward 11 Applicant:** Matthew Brett
Article(s): 55(55-9: Add'l lot area insufficient, Front yard insufficient, Floor area ratio excessive, Bldg height excessive (feet), Side yard insufficient, Rear yard insufficient & Usable open space insufficient)

Purpose: Build new ground up three family home on vacant parcel of land located at 196 Boylston Street in Jamaica Plain.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating to construct a 3 family dwelling on vacant lot.

Board members discussed violations proposed vs. required. Applicant believes dwelling in compliance with modal. Access to roof deck by hatch. Board members asked how will the parking work. Board members asked how ground floor unit is accessible. Board member asked if property is a rental or sale

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilor O'Malley, Councilor Flaherty, Councilor Essabi-George are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval with BRA St. Fleur seconded and the Board voted unanimously.

Case: BOA-851215 **Address:** 106 Forest Hill Street , **Ward 11 Applicant:** 106 Forest Hills, LLC
Article(s): 55(55-8) 55(55-9: Floor area ratio excessive, Bldg height excessive (feet) & Bldg height excessive (stories)) 55(55-40)

Purpose: Seeking to raze the existing building and erect a three-story building with nine residential units and ten parking spaces.

Discussion: At the request of the applicant **this case has been deferred to 10/16/2018**

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

Case: BOA-835809 **Address:** 12 Marcella Street , **Ward 11 Applicant:** Leah Daniels
Article(s): 50(50-28) 50(50-29: Insufficient additional lot area per dwelling unit, Insufficient usable open space (650/unit req.) & Insufficient side yard setback) 50(50-43)

Purpose: Confirm as a one family and then change occupancy to four units by adding a 20x50 ft addition in rear as per plans submitted for ZBA review.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating to change occupancy from one family to 4 family 20 x 50.

Board members asked how deep is the lot. The applicant stated 129.8 ft.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Janey support. Four abutters opposed.

Documents/Exhibits: Building Plans

Votes: Board Member Bickerstaff moved Deny Kelly seconded and the Board voted unanimously.

Case: BOA-694031 **Address:** 31 Woodlawn Street , **Ward** 11 **Applicant:** 31 Woodlawn Realty Trust

Article(s): 55(55-9): Lot area for additional dwelling units insufficient, Floor area ratio excessive, Building height (# of stories) excessive, Usable open space insufficient, Side yard insufficient & Rear yard insufficient) 55(55-40)

Purpose: Demolish existing Attic Roof and construct a new 3rd Floor Level. Construct new exterior Decks in Rear Yard. Change Occupancy from a Two (2) Family Dwelling to a Three (3) Family Dwelling. Building will be fully Sprinkled. Off-Street Parking for this building will be located at 33 Woodlawn Street.

Discussion: At the request of the applicant **this case has been deferred to 09/25/2018**

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

Case: BOA-694028 **Address:** 33 Woodlawn Street , **Ward** 11 **Applicant:** 31 Woodlawn Realty Trust

Article(s): 55(55-8) 55(55-9): Lot area insufficient, Floor area ratio excessive, Building height (# of stories) excessive, Usable open space insufficient, Side yard insufficient & Rear yard insufficient) 55(55-40)

Purpose: Erect a new 3 story, Three (3) Family Dwelling. There will be a 6 Vehicle Parking Garage located beneath building. Parking Garage will also be used by 31 Woodlawn Street. Construct new exterior Decks in Rear Yard. Building will be fully Sprinkler.

Discussion: At the request of the applicant **this case has been deferred to 09/25/2018**

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

Case: BOA-840653 **Address:** 12 Carson Street , **Ward** 13 **Applicant:** Ace One Investments, LLC by Eric Zachrison

Article(s): 65(65-41) 65(65-9): Excessive F.A.R., # of allowed habitable stories has been exceeded & Insufficient side yard setback) 65(65-8)

Purpose: Confirming occupancy as a one family and changing to a three family, renovating existing house and adding addition at the rear. (This was previously a new build project ERT729526 and had been assigned to the board of appeals under BOA 787985, however after review with the neighborhood it was determined that we would not demolish the existing building, but instead, we would renovate and add the addition).

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating to change occupancy from 3 family with addition at rear

Board members asked why is there no parking Discussion regarding violations. Discussion regarding violations and revision made to original proposal.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Baker support.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved Bickerstaff seconded and the Board voted unanimously.

Case: BOA-826724 **Address:** 1199-1203 Blue Hill Avenue , **Ward 14 Applicant:** Armand Veliaj
Article(s): 60(60-17: Floor area ratio: excessive, Height: excessive, Front yard: insufficient, Side yard: insufficient, Rear yard: insufficient & Front yard: insufficient (Deering Road)) 60(60-40) 60(60-41)

Purpose: Erect a new 21 residential units and commercial/retail space mixed-use 5 level building that will be built as one project, containing a gross floor area of approximately 41,520 square feet including the below-grade parking garage. Raze existing structure. See ALT804140 for combined parcels. ZBA.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating to raze existing structure and construct a new 21 unit mixed use bldg 1 or 2 commercial, with five (5) floors and a below grade parking garage with 22 parking spaces.
*Memorandum of Understanding with Wellington Hill \$5K to neighborhood group.

Board members discussed unit count and bedrooms. Board members asked how will the parking work and what is required. The applicant stated 43 are required we are proposing 22.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor McCarthy are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval with BRA St. Fleur seconded and the Board voted unanimously.

Case: BOA-827431 **Address:** 469 Adams Street , **Ward 16 Applicant:** An H Tran
Article(s): 65(65-9)

Purpose: Remove rear first floor deck. Construct new rear decks on first, second, and third floor on existing three-family dwelling.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating to construct new rear decks on all 3 floors of existing 3 family dwelling.

Board members asked is this a second means of egress. The applicant stated, No.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Baker are in support.

Documents/Exhibits: Building Plans

Votes: Board Member St. Fleur moved for approval and Erlich seconded and the Board voted unanimously.

Case:BOA-830281 **Address:** 158 Walnut Street, **Ward** 16 **Applicant:** John Roche

Article(s): 65(65-8) 9(9-1)

Purpose: Work as per plans to exchange the existing location of apts. 2 floor front to existing garden level currently occupied by apartment 1.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating to reconfiguration of 3 family extend living space into basement. No expansion of building foot print will remain a 3 family.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services, Councilor Baker and Councilor Flaherty are in support. Port Norfolk support.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval with BRA St. Fleur seconded and the Board voted unanimously.

Case: BOA-819279 **Address:** 79 Milton Avenue, **Ward** 17 **Applicant:** Tom Malone

Article(s): 65(65-9: Lot area insufficient, Floor area ratio excessive & Side yard insufficient) 65(65-41)

Purpose: Construction of a new 2 family, 2.5 story home (with shed dormers on 3rd floor) on currently vacant lot. Home will be modular-type, built off-site, and shipped to 79 Milton for assembly.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail Construction of a new 2 family, 2.5 story home (with shed dormers on 3rd floor) on currently vacant lot.

Board members discussed the sizes and breakdowns of units.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor Campbell are in support.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval with BRA Bickerstff seconded and the Board voted unanimously

Case: BOA-808985 **Address:** 69-73 Almont Street, **Ward 18** **Applicant:** GBM Porfolio, LLC
Article(s): 9(9-1) 60(60-8) 60(60-9: Insufficient F.A.R. & Insufficient usable open space per dwelling unit)

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating to change occupancy from 9 units to 12 units and add 1 parking spaces. No change to structure or to footprint.

Board members discussed the violations. Board members asked how long ha it been 9 units. The applicant stated MFR at least since 85. Board members asked where the parking spaces will be.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor McCarthy defer.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval with BRA, for landscaping and parking Bickerstff seconded and the Board voted unanimously

Purpose: Change of occupancy from 9 residential units to a total of 12 residential units (three dwelling units in basement) add three additional parking spaces as shown on the plans. No change to structure or building footprint.

Case: BOA-833908 **Address:** 1516 Blue Hill Avenue, **Ward 18** **Applicant:** Gerlens Cesar
Article(s): 9(9-1) 60(60-40(5))
Purpose: Curb cut for four (4) off-street parking spaces.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail proposing a Curb cut for four (4) off-street parking spaces.

Board members discussed the violations. Board members asked how long ha it been 9 units. The applicant stated MFR at least since 85. Board members asked where the parking spaces will be.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services and Councilor McCarthy support.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval with Bickerstff seconded and the Board voted unanimously

Purpose: Change of occupancy from 9 residential units to a total of 12 residential units (three dwelling units in basement) add three additional parking spaces as shown on the plans. No change to structure or building footprint.

Case: BOA-809010 **Address:** 28 Wallingford Road, **Ward** 21 **Applicant:** JCHE Genesis LLC
Article(s): 9(9-1) 51(51-8) 51(51-9: Floor area ratio excessive, Bldg height excessive (stories) & Bldg height excessive (stories)) 51(51-56)

Purpose: Construct new 3rd and 4th floor addition over an existing two-story campus building for office use.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail proposing a two story addition to existing building, Hewish Community Housing for the Elderly. No additional staff to campus consolidation of staff into new.

Board members expressed concern regarding incremental changes to site. Board members asked how long ha it been 9 units. The applicant stated MFR at least since 85. Board members asked where the parking spaces will be.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services Councilor Cuommo and Councilor Flaherty support.

BAIA Support

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval with Bickerstff seconded and the Board voted unanimously

Purpose: Change of occupancy from 9 residential units to a total of 12 residential units (three dwelling units in basement) add three additional parking spaces as shown on the plans. No change to structure or building footprint.

Case: BOA-827186 **Address:** 46 Brooksdale Road, **Ward** 22 **Applicant:** Patrick O'Brien

Article(s): 51(51-8) 51(51-9: Floor area ratio is excessive & Height is excessive)

Purpose: Change occupancy from 2 family to 3 family dwelling Complete interior renovation as per plans, no change in G.F.A.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail proposing a convert 2 family to 3 family no exterior changes or footprint expansion, interior renovation.

Board members asked how long each unit is. The applicant stated approximately 1000sf.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services Councilor Cuommo and Councilor Flaherty support.

BAIA Support

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with Bickerstff seconded and the Board voted unanimously

Purpose: Change of occupancy from 9 residential units to a total of 12 residential units (three dwelling units in basement) add three additional parking spaces as shown on the plans. No change to structure or building footprint.

RE-DISCUSSIONS: 11:30a.m.

Case: BOA-796981, **Address:** 78 Tyler Street , **Ward 3 Applicant:** 78 Tyler Street LLC

Article(s): 23(23-23-1)

Purpose: Renovate and interior fit-out of existing building; convert legal use and occupancy from Convent to 14 Affordable Studio Apartment Units, with no expansion of existing building envelope and existing basement to remain unfinished, as per plans. We are submitting this application for zoning turn-down.

Discussion: At the request of the applicant **this case has been Withdrawn.**

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

Case: BOA-817801 **Address:** 16 Marmion Street , **Ward 11 Applicant:** John Pulgini

Article(s): 55(55-8)Multi family Dwelling (Forbidden), 55(55-9 Lot Area for addition Dwelling unit(s) insufficient, Floor Area Ration Excessive, Usable Open Space Insufficient, Front Yard insufficient, Side Yard insufficient, rear Yard insufficient) 55(55-40)Off-Street Parking & Loading Req- Off Street parking insufficient.

Purpose: Take down existing single family structure and replace with 5 unit building and under parking.

Discussion: At the request of the applicant **this case has been deferred to 10/16/2018**

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

Case: BOA-796214, **Address:** 8 Pine Street **Ward:** 8, **Applicant:** Wood Hill Condominium Trusty (by Christopher Lydon, Trustee)

Article(s): 69(69-29) 69(69-30.12) 69(69-9)

Purpose: Building second building on same lot. No work to be done. See ERT763482 for drawings.

Discussion: At the request of the applicant **this case has been deferred to 10/16/2018**

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

Case: BOA-796212, **Address:** 8R Pine Street **Ward:** 8 , **Applicant:** Wood Hill Condominium Trust (by Christopher Lydon Trustee)

Article(s): 69(69-29.4) 69(69-30) 69(69-9: Lot Frontage, Side Yard & Rear yard Insufficient, Usable Open Space Insufficient)

Purpose: Demo existing barn and rebuild as a single family dwelling one of 2 buildings on this lot (see alt787889 for existing building violations)

Discussion: At the request of the applicant **this case has been deferred to 10/16/2018**

Votes: Upon a Motion and second, the Board voted unanimously to approve the request.

Case: BOA-820964 **Address:** 18 Murdock Street , **Ward 22 Applicant:** Patrick Mahoney

Article(s): 51(51-56) 9(9-2) 9(9-1)

Purpose: Change of occupancy from 9 units to 12 units. Construct new addition to existing building. File in conjunction with ALT797211

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail change occupancy from a 9 to a 10 unit. This is a companion case with 5R Sparhawk St

Board members asked the breakdown of units. The applicant stated 665 sf addition. Board members how long each unit is. The applicant stated approximately 1000sf. Board Members inquired about parking. The applicant stated 10

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services Councilor Cuommo and Councilor Flaherty support. BAIA Support

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with Bickerstff seconded and the Board voted unanimously

Case: BOA-808048 **Address:** 95 Union Street , **Ward 22 Applicant:** David Weinstock

Article(s): 51(51-9: Insufficient Front Yard Setback, Insufficient Rear Yard Setback, Insufficient Side Yard Setback

Purpose: Remove existing roof and half story and add 1 new story to existing building. Structural work as necessary: remove and replace a framed root (structurally unsafe), Remove 2nd story of rear addition (existing) and substitute roof deck, new siding at entire house. Work in conjunct with SF#768852.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. The applicant described the proposed project in detail stating to remove roof and add one story to existing distressed building with new roof deck. Single family dwelling.

Testimony: The Board then requested testimony from neighbors and elected officials. One abutter opposed the project.

Documents/Exhibits: Building Plans

Votes: Board Member Pisani moved for approval with Bickerstff seconded and the Board voted unanimously

Case: BOA-821060 **Address:** 5R Sparhawk Street , **Ward 22 Applicant:** Patrick Mahoney

Article(s): 51(51-56) 51(51-8) 51(51-9: Side yard insufficient & Rear yard insufficient)

Purpose: Confirm occupancy as a carriage house. Reconstruction of an existing house. Change of occupancy from carriage house to three-family dwelling. File conjunction with ALT797209.

Discussion: At the request of the Board, the applicant presented plans and described the proposed use in detail, stating the reasons for this appeal. Change of occupancy from carriage house to three-family dwelling. File conjunction with ALT797209.

Testimony: The Board then requested testimony from neighbors and elected officials. Mayor's Office of Neighborhood Services Councilor Cuommo and Councilor Flaherty support.
BAIA Support

Documents/Exhibits: Building Plans

Votes: Board Member Erlich moved for approval with Bickerstff seconded and the Board voted unanimously

STEPHANIE HAYNES

BOARD OF APPEAL

617-635-4775

MATTHEW FITZGERALD, ESQ. - EXECUTIVE SECRETARY

BOARD OF APPEAL

617-961-3361

BOARD MEMBERS Present:

CHRISTINE ARAUJO- CHAIR

MARK FORTUNE-SECRETARY

MARIE ST. FLEUR

BRUCE BICKERSTAFF

MARK ERLICH

ANTHONY PISANI

CRAIG GALVIN (ABSENT)

SUBSTITUTE MEMBERS:

EUGENE KELLY

KERRY LOGUE

For a video recording of the August 14, 2018 Board of Appeal Hearings please go to:

https://www.cityofboston.gov/cable/video_library.asp

For the complete text of the Boston Zoning Code Articles and definitions of terms in this agenda, please go to https://www.municode.com/library/ma/boston/codes/redevelopment_authority